THE BOMBAY ELECTRICITY (SURCHARGE) ACT, 1946.

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BOMBAY ACT No. XIX OF 1946.[1]

[THE BOMBAY ELECTRICITY (SURCHARGE) ACT, 1946.]

[*30th September 1946.*]

An Act to provide for the levy of a surcharge by licensees and sanction-holders under the Indian Electricity Act, 1910, in respect of their undertakings.

WHEREAS it is expedient to provide for the levy of a surcharge by licensees and sanction-holders under the Indian Electricity Act, 1910, in respect of their undertakings; It is hereby enacted as follows:—

IX of 1910.

1. (*1*) This Act may be called the Bombay Electricity (Surcharge) Act, 1946. Short title, extent, application and duration.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) It shall apply to such undertakings as the Provincial Government may, by notification in the Official Gazette, specify.

(*4*) It shall be in force for a period of three years only.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*i*) "licensee" means any person licensed under Part II of the principal Act to supply energy;

(*ii*) "prescribed" means prescribed by rules;

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(*iii*) "principal Act" means the Indian Electricity Act, 1910;

(*iv*) "sanction-holder" means a person supplying electrical energy with the previous sanction of the Provincial Government under section 28 of the principal Act;

(*v*) words and expressions used in this Act but not defined shall have the meanings assigned to them in the principal Act.

3. (*1*) Any licensee or sanction-holder may apply to the Provincial Government in the prescribed form for fixing a rate of surcharge on the charges for energy or street lighting equipment leviable by him under the terms of his licence, sanction or contract, as the case may be. Such application shall be accompanied by such calculations as may be prescribed. Power of Provincial Government to fix rate of surcharge.

(*2*) On receipt of an application under sub-section (*1*), the Provincial Government may, if it considers that a surcharge is desirable in the case of such licensee or sanction-holder, by order notified in the Official Gazette, fix the rate of surcharge.

(*3*) The rate of surcharge fixed under sub-section (*2*) shall not exceed—

(*a*) 33⅓ per centum in the case of undertakings where diesel oil is used for the generation of energy,

(*b*) 20 per centum in the case of undertakings where steam is used for the generation of energy.

(*4*) In the order fixing the rate of surcharge under sub-section (*2*), the Provincial Government may specify such conditions as it may think fit to be observed by the licensee or sanction-holder.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1946, Pt. V, page 82; for Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1946, Vol. IX; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1946, Vol. X.

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(*5*) Without prejudice to the generality of the power contained in sub-section (*4*), the Provincial Government may require the execution of an undertaking in the prescribed form by the licensee or sanction-holder that his profits in excess of the prescribed limits shall be transferred to a Rates Stabilization Reserve for prescribed purposes.

(*6*) The Provincial Government may at any time enhance or reduce by a like order the rate fixed under sub-section (*2*).

Licensee and sanction-holder not to supply energy at charges other than charges surcharged.

4. Upon the rate of surcharge being fixed by the Provincial Government from time to time in accordance with this Act, it shall not be lawful for the licensee or sanction-holder concerned except with the previous sanction of the Provincial Government to charge at other than charges surcharged at the rate for the time being so fixed :

Provided that no surcharge or any subsequent revision thereof shall affect charges leviable for any period not covered by the relevant order of the Provincial Government.

Existing surcharges deemed to be made under this Act.

5. Any existing surcharges applied by a licensee or sanction-holder under the provisions of the Bombay Electricity Supply (Licensed Undertakings' War Costs) Order, 1944, to his charges shall be deemed to be surcharges fixed under section 3.

Act to apply notwithstanding any other law etc.

6. The provisions of this Act shall apply notwithstanding anything contained in any other law or in any licence or sanction granted under the principal Act, or in any contract for energy or for maintenance of street lighting equipment.

Rules.

7. (*1*) The Provincial Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, the Provincial Government may make rules providing for the form of application and the calculations to accompany it under sub-section (*1*) of section 3, and the form of undertaking to be executed, the limits in excess of which profits of a licensee or sanction-holder shall be transferred to a Rates Stabilization Reserve and the purposes for which they shall be so transferred under sub-section (*5*) of section 3.